



**PROVO RIVER WATER USERS ASSOCIATION
DEER CREEK PROJECT**

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August 11, 1997

WATER RIGHTS
SALT LAKE

Jack B. Rindlisbach, Deputy Water
Commissioner
Utah Lake and Jordan River System
17000 South 1000 West
Bluffdale, Utah 84065

Re: Provo Reservoir Canal Spills to Jordan River at the Point of the Mountain

Dear Mr. Rindlisbach:

Provo River Water Users Association (PRWUA) acknowledges that there are times during the irrigation season when spills through the wasteway of the Provo Reservoir Canal at the Point of the Mountain require adjustments to the gates at the Turner Dam by the Deputy Water Commissioner to offset those spills and corresponding adjustments to the gates at the Joint Dam (Salt Lake City and South Jordan) located a short distance downstream. PRWUA is willing to compensate the Deputy Water Commissioner only for his actual time in making the above adjustments when required as a result of those spills. However, PRWUA is unwilling to compensate when such spills do not require such adjustments, particularly when the Utah lake radial gates are open and Utah Lake water is spilling uncontrolled down the Jordan River. Apparently, no written agreement can be found covering the above arrangement. Accordingly, PRWUA deems it advisable to formalize the above arrangement in writing as follows:

1. PRWUA will notify the Deputy Water Commissioner of planned or emergency spills, including the estimated flows thereof, from the Provo Reservoir Canal through the wasteway into the Jordan River at the Point of the Mountain as early as is practicable under the then existing conditions.

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2. The Deputy Water Commissioner will make the necessary adjustments to the gates at the Turner Dam and/or the gates at the downstream Joint Dam to accommodate those spills during the irrigation season.
3. PRWUA will compensate the Deputy Water Commissioner for his actual time necessary to make the adjustments provided for in the preceding paragraph 2. However, no compensation shall be required during those times when the Utah Lake radial gates are open and Utah Lake water is spilling uncontrolled down the Jordan River or when such spills do not exceed five percent (5%) of the total flow of the Jordan River discharged therein from the Turner Dam.
4. Compensation to the Deputy Water Commissioner will be ten dollars (\$10.00) per hour and will be adjusted for the 1999 irrigation season and every two years thereafter to reflect any changes to the regular average hourly rate of his actual salary, excluding fringe benefits, during the irrigation season paid to him by the Utah Lake and Jordan River Water Users for his services as Deputy Water Commissioner.
5. At the end of each irrigation season, the Deputy Water Commissioner will submit to PRWUA a detailed written statement covering his actual services in making the necessary adjustments to the gates at the Turner Dam and/or Joint Dam required as a result of the spills in accordance with the above. The written statement shall specify the date, the number of hours so required on each date and the hourly rate of compensation.
6. PRWUA will make payment to the Deputy Water Commissioner within thirty (30) days after receipt of the foregoing statement. If PRWUA contests the amount of the statement, in whole or in part, PRWUA shall pay the uncontested amount and may withhold payment of the contested amount until the matter is resolved by settlement or otherwise.
7. This letter agreement will apply to the irrigation season of the year 1996 and will continue during each irrigation season thereafter, but may be terminated by either party upon written notice to the other on or before March 31 of each year for such termination to apply to the next irrigation season and thereafter.

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If the foregoing meets with your approval, please sign the duplicate original of the enclosed and return it to the undersigned. If not, or if you have questions as to the above, please advise.

Sincerely,



G. Keith Denos, P.E.
Superintendent

APPROVED AND ACCEPTED this ____ day of _____, 1997.

Jack B. Rindlisbach
Deputy Water Commissioner

GKD/JN/jd

cc: Jim Riley, UDWR Regional Engineer
Brad Gardner, Utah Lake and Jordan River Commissioner
Joseph Novak, PRWUA General Counsel